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Attorneys for Plaintiff Bandag, Incorporated

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

IN RE RUBBER CHEMICALS ANTITRUST
LITIGATION

) MDL Docket No. C 04-1648 MJJ
) Individual Case No. C 06-5700 MJJ
)
)

THIS DOCUMENT RELATES TO:

Bridgestone Americas Holding, Inc., et al.
v. Chemtura Corporation, et al.

) **STIPULATION REGARDING**
) **TEMPORARY STAY OF**
) **DISCOVERY AS TO INDIVIDUAL**
) **DEFENDANTS AND ADMISSIBILITY**
) **OF DEPOSITIONS AND**
) **~~[PROPOSED] ORDER~~**

WHEREAS, *Bridgestone Americas Holding, Inc., et al. v. Chemtura Corporation, et al.*, Individual Case No. C 06-5700 MJJ (this “Action”), was transferred from the Middle District of Tennessee pursuant to 28 U.S.C. § 1407 and docketed with this Court on September 19, 2006 to be coordinated with *In re Rubber Chemicals Antitrust Litigation*, MDL Docket No. C 04-1648 MJJ (the “Rubber Chemicals MDL Proceeding”);

WHEREAS, individual defendants James J. Conway (“Conway”), Joseph B. Eisenberg

1 (“Eisenberg”), Michael J. Duchesne (“Duchesne”) and Peter D. Welch (“Welch”) (collectively
2 referred to as the “Individual Defendants” or separately referred to as each “Individual
3 Defendant”), former or current employees of defendants Chemtura Corporation and/or Uniroyal
4 Chemical Company, Inc. (collectively referred to as “Chemtura”), were named in the Amended
5 Complaint filed on September 22, 2006 in this Action;

6 WHEREAS, motions to dismiss are pending in this Action and are currently scheduled
7 for hearing on June 27, 2007;

8 WHEREAS, each Individual Defendant represents, to the best of his knowledge, that any
9 and all documents (the term “document(s)” shall have the meaning employed in Rule 34(a) of
10 the Federal Rules of Civil Procedure), in his possession, custody or control, relevant to the
11 allegations of the Amended Complaint in this Action have been previously provided to Chemtura
12 for production in the Rubber Chemicals MDL Proceeding;

13 WHEREAS, Chemtura represents that all documents which it had produced in the
14 Rubber Chemicals MDL Proceeding, including all non-privileged documents provided to
15 Chemtura by each Individual Defendant relevant to the allegations of the Amended Complaint,
16 have been produced to plaintiff Bandag, Incorporated (“Bandag”) (Bandag, Chemtura and the
17 Individual Defendants are collectively referred to as the “Parties”) in this Action;

18 WHEREAS, Conway represents that if his deposition were to be taken now in this
19 Action, his specific answers to each respective question remain the same as to those provided in
20 his videotaped deposition taken on March 9, 2006 in the Rubber Chemicals MDL Proceeding;

21 WHEREAS, Eisenberg represents that if his deposition were to be taken now in this
22 Action, his specific answers to each respective question remain the same as to those provided in
23 his videotaped deposition taken on February 22, 2006 in the Rubber Chemicals MDL
24 Proceeding;

25 WHEREAS, Duchesne represents that if his deposition were to be taken now in this
26 Action, his specific answers to each respective question remain the same as to those provided in
27 his videotaped deposition taken on February 13, 2006 in the Rubber Chemicals MDL
28 Proceeding;

1 WHEREAS, Welch represents that if his deposition were to be taken now in this Action,
2 his specific answers to each respective question remain the same as to those provided in his
3 videotaped deposition taken on January 19, 2006 in the Rubber Chemicals MDL Proceeding; and

4 WHEREAS, in order to avoid the expense of conducting discovery pending a decision by
5 the Court on the motions to dismiss, IT IS HEREBY STIPULATED AND AGREED
6 BETWEEN THE PARTIES, BY AND THROUGH THEIR COUNSEL OF RECORD, THAT:

7 1. Chemtura and/or Individual Defendants may not object to the admissibility,
8 against Chemtura and/or any Individual Defendant in this Action, of the videotaped deposition
9 testimony of Conway taken on March 9, 2006 in the Rubber Chemicals MDL Proceeding, based
10 on the ground that the testimony was given in the Rubber Chemicals MDL Proceeding to which
11 Individual Defendants and Bandag were not parties. Nothing herein, however, limits the ability
12 of any Party to otherwise object to the admissibility of the testimony in this Action under
13 applicable law.

14 2. Chemtura and/or Individual Defendants may not object to the admissibility,
15 against Chemtura and/or any Individual Defendant in this Action, of the videotaped deposition
16 testimony of Eisenberg taken on February 22, 2006 in the Rubber Chemicals MDL Proceeding,
17 based on the ground that the testimony was given in the Rubber Chemicals MDL Proceeding to
18 which Individual Defendants and Bandag were not parties. Nothing herein, however, limits the
19 ability of any Party to otherwise object to the admissibility of the testimony in this Action under
20 applicable law.

21 3. Chemtura and/or Individual Defendants may not object to the admissibility,
22 against Chemtura and/or any Individual Defendant in this Action, of the videotaped deposition
23 testimony of Duchesne taken on February 13, 2006 in the Rubber Chemicals MDL Proceeding,
24 based on the ground that the testimony was given in the Rubber Chemicals MDL Proceeding to
25 which Individual Defendants and Bandag were not parties. Nothing herein, however, limits the
26 ability of any Party to otherwise object to the admissibility of the testimony in this Action under
27 applicable law.

28 4. Chemtura and/or Individual Defendants may not object to the admissibility,

1 against Chemtura and/or any Individual Defendant in this Action, of the videotaped deposition
2 testimony of Welch taken on January 19, 2006 in the Rubber Chemicals MDL Proceeding, based
3 on the ground that the testimony was given in the Rubber Chemicals MDL Proceeding to which
4 Individual Defendants and Bandag were not parties. Nothing herein, however, limits the ability
5 of any Party to otherwise object to the admissibility of the testimony in this Action under
6 applicable law.

7 5. The Parties may not object to the admissibility against any Party of any
8 deposition testimony (either party or third party), taken in the Rubber Chemicals MDL
9 Proceeding, based on the ground that the testimony was given in the Rubber Chemicals MDL
10 Proceeding to which Individual Defendants and Bandag were not parties. Nothing herein,
11 however, limits the ability of any Party to otherwise object to the admissibility of the testimony
12 in this Action under applicable law.

13 6. Discovery against or by the Individual Defendants is temporarily stayed pending a
14 decision issued by the Court on the motions to dismiss, or until July 15, 2007, whichever date is
15 earlier.

16 7. The stay shall have no impact on the on-going discovery between Chemtura and
17 Bandag, and discovery between Chemtura and Bandag will continue on in its normal course.

18 8. Should discovery against or by the Individual Defendants become necessary
19 during the stay for any reason, the Parties agree to meet and confer in good faith, and if an
20 agreement cannot be reached, the Parties reserve their rights to seek relief from the Court.

21 9. After a decision by the Court on the motions to dismiss is issued, or after
22 July 15, 2007, whichever date is earlier, the stay is lifted, and discovery against or by the
23 Individual Defendants may be conducted in its normal course, subject to the right of any Party to
24 seek a protective order if it believes it is warranted and a proper showing can be made.

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1 10. Each undersigned counsel represents that he or she has conferred with his or her
2 respective client(s) regarding the above representations and has full authority to enter into this
3 Stipulation on behalf of his or her respective client(s).

4 **IT IS SO STIPULATED.**

5 Dated: July 30, 2007

CROWELL & MORING LLP

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Attorneys for Plaintiff Bandag, Incorporated

16 Dated: July , 2007

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23 Attorneys for Defendants Chemtura
24 Corporation(formerly known as Crompton Corporation)
25 and Uniroyal Chemical Company, Inc.

26 SIGNATURES CONTINUED ON FOLLOWING PAGE

1 ADDITIONAL SIGNATURE PAGE TO
2 STIPULATION REGARDING TEMPORARY STAY OF DISCOVERY AS TO INDIVIDUAL
3 DEFENDANTS AND [PROPOSED] ORDER

4 Dated: June , 2007

ROPES & GRAY LLP

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Attorneys for Defendant Michael J. Duchesne

11 Dated: June , 2007

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Attorneys for Defendant Joseph B. Eisenberg

18 Dated: June , 2007

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SIGNATURES CONTINUED ON FOLLOWING PAGE

1 ADDITIONAL SIGNATURE PAGE TO
2 STIPULATION REGARDING TEMPORARY STAY OF DISCOVERY AS TO INDIVIDUAL
3 DEFENDANTS AND [PROPOSED] ORDER

4 Dated: June , 2007

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9 Attorneys for Defendant James J. Conway
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GOOD CAUSE APPEARING THEREFORE, IT IS ORDERED THAT:

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2 1. Chemtura and/or Individual Defendants may not object to the admissibility,
3 against Chemtura and/or any Individual Defendant in this Action, of the videotaped deposition
4 testimony of Conway taken on March 9, 2006 in the Rubber Chemicals MDL Proceeding, based
5 on the ground that the testimony was given in the Rubber Chemicals MDL Proceeding to which
6 Individual Defendants and Bandag were not parties. Nothing herein, however, limits the ability
7 of any Party to otherwise object to the admissibility of the testimony in this Action under
8 applicable law.

9 2. Chemtura and/or Individual Defendants may not object to the admissibility,
10 against Chemtura and/or any Individual Defendant in this Action, of the videotaped deposition
11 testimony of Eisenberg taken on February 22, 2006 in the Rubber Chemicals MDL Proceeding,
12 based on ground that the testimony was given in the Rubber Chemicals MDL Proceeding to
13 which Individual Defendants and Bandag were not parties. Nothing herein, however, limits the
14 ability of any Party to otherwise object to the admissibility of the testimony in this Action under
15 applicable law.

16 3. Chemtura and/or Individual Defendants may not object to the admissibility,
17 against Chemtura and/or any Individual Defendant in this Action, of the videotaped deposition
18 testimony of Duchesne taken on February 13, 2006 in the Rubber Chemicals MDL, based on the
19 ground that the testimony was given in the Rubber Chemicals MDL Proceeding to which
20 Individual Defendants and Bandag were not parties. Nothing herein, however, limits the ability
21 of any Party to otherwise object to the admissibility of the testimony in this Action under
22 applicable law.

23 4. Chemtura and/or Individual Defendants may not object to the admissibility,
24 against Chemtura and/or any Individual Defendant in this Action, of the videotaped deposition
25 testimony of Welch taken on January 19, 2006 in the Rubber Chemicals MDL Proceeding, based
26 on the ground that the testimony was given in the Rubber Chemicals MDL Proceeding to which
27 Individual Defendants and Bandag were not parties. Nothing herein, however, limits the ability
28 of any Party to otherwise object to the admissibility of the testimony in this Action under

1 applicable law.

2 5. The Parties may not object to the admissibility against any Party of any
3 deposition testimony (either party or third party), taken in the Rubber Chemicals MDL
4 Proceeding, based on the ground that the testimony was given in the Rubber Chemicals MDL
5 Proceeding to which Individual Defendants and Bandag were not parties. Nothing herein,
6 however, limits the ability of any Party to otherwise object to the admissibility of the testimony
7 in this Action under applicable law.

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9 decision issued by the Court on the motions to dismiss, or until July 15, 2007, whichever date is
10 earlier.

11 7. The stay shall have no impact on the on-going discovery between Chemtura and
12 Bandag, and discovery between Chemtura and Bandag will continue on in its normal course.

13 8. Should discovery against or by the Individual Defendants become necessary
14 during the stay for any reason, the Parties agree to meet and confer in good faith, and if an
15 agreement cannot be reached, the Parties may seek relief from the Court.

16 9. After a decision by the Court on the motions to dismiss is issued, or after
17 July 15, 2007, whichever date is earlier, the stay is lifted, and discovery against or by the
18 Individual Defendants may be conducted in its normal course, subject to the right of any Party to
19 seek a protective order if it believes it is warranted and a proper showing can be made.

20 **IT IS SO ORDERED.**

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22 Dated: 8/2, 2007

BY: 

23 HONORABLE MARTIN J. JENKINS
24 UNITED STATES DISTRICT COURT
25 FOR THE NORTHERN DISTRICT OF
26 CALIFORNIA
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